<u>REMARKS</u>

In this Response, claim 1 has been amended and claims 18-29 have been added. Claims 4 and 11-17 are cancelled, of which claims 4 and 11 were previously canceled. Claims 1-3, 5-10, and 18-29 are pending, of which claims 1, 18, and 24 are independent. No new matter has been added.

I.   <u>Examiner Interview Summary</u>

Applicants thank the Examiner for the courtesy of a telephone interview on May 13, 2008. Claim 1 and the McIlroy reference was discussed. Applicants agreed to amend the claims to further clarify the limitations of the claims.

II.   <u>35 U.S.C. § 103(a) Rejection</u>

Claim 1-3, 5-10, 12-14, 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,583,758 to McIlroy et al. (hereinafter McIlroy).

Claims 12-14, 16 and 17 have been cancelled. Thus, the 35 U.S.C. § 103(a) rejection of claims 12-14, 16 and 17 are moot.

Applicants respectfully submit that McIlroy does not disclose or suggest each and every feature of independent claim 1. In particular, McIlroy does not disclose or suggest at least the following feature of claim 1: "at least one recorded catalogue of recommended actions comprises hierarchised sequences of alternative actions creating a hierarchy of actions, wherein each action specifies at least one act to be performed, wherein each level of the hierarchy represents recommended and alternative actions for a step in a procedure, wherein the procedure comprises a plurality of sequential steps, and wherein the recorded catalogue of recommended actions represents at least one procedure."

Applicants have amended claim 1 to clarify that the method applies to procedures which comprise "a plurality of sequential steps," where each step is an "action," meaning "an act to be performed." *See* Applicants' Specification, page 5, lines 19-20. An <u>action</u> is different from an information-input request or a decision-request, which are <u>requests for information</u> from a user of the method. *See* Applicants' Specification, page 2, lines 9-10.

McIlroy is directed to a system that recommends treatment options after leading the user through a series of questions. In particular, McIlroy discloses that "a guideline can be viewed as a decision tree with multiple data collection nodes, most of which have conditional branching to connected nodes based on user-supplied data. The endpoints of navigation through the decision tree are usually embodied in a set of treatment options." McIlroy, col. 5, lines 21-26. An example of such a guideline is provided in McIlroy Figure 18.

McIlroy's guidelines for determining treatment options are not equivalent to Applicants' procedures. In particular, Applicants' procedures comprise a plurality of steps, wherein each step recommends an action, which is an act to be performed. McIlroy's guidelines, on the other hand, comprise a series of questions to be asked, which conclude in one or more recommended actions. Therefore, each of McIlroy's guidelines could be implemented as a single step in Applicants' procedure. However, a single step of a procedure is not equivalent to a procedure, because a procedure comprises a plurality of sequential steps.

Applicants' invention is directed to helping people "implement a series of actions and/or tasks which have to be performed in a defined order, i.e., sequentially, in order to achieve a defined objective" (Applicants' Specification, page 5, lines 18-21) (emphasis added). Applying McIlroy's guidelines sequentially is not equivalent to Applicants' invention since it is then up to the user to keep track of which guidelines have been applied and which guideline to apply next. Applicants' invention, on the other hand, manages the entire process of applying a procedure as a guideline. Thus, McIlroy does not disclose or suggest Applicants' "procedure [that] comprises a plurality of sequential steps."

Since McIlroy does not disclose or suggest a procedure, McIlroy cannot disclose "at least one recorded catalogue of recommended actions comprises hierarchised sequences of alternative actions creating a hierarchy of actions, wherein each action specifies at least one act to be performed, wherein each level of the hierarchy represents recommended and alternative actions for a step in a procedure." As can be seen in Figure 18, the hierarchy consists of questions, not actions. McIlroy specifically teaches that nodes of the decision tree are "data collection nodes" and the set or treatment options are placed at the "endpoints of navigation through the decision tree" (McIlroy, col. 5, lines 21-26). Thus, McIlroy teaches away from a hierarchy of actions.

The Examiner alleges that an example of "hierarchised sequences of alternative actions" is disclosed in McIlroy's Figure 15. Applicants respectfully disagree. As amended claim 1 clarifies, the "hierarchised sequences of alternative actions" create a hierarchy of actions representing a procedure with a plurality of sequential steps. Thus, the hierarchy must have <u>at least two levels</u>, where one level represents a set of recommended and alternative <u>actions for a first step</u> in the procedure and another level represents a second set of recommended and alternative <u>actions for a second step</u> in the procedure, where the second step <u>sequentially</u> follows the first step. In McIlroy's Figure 15, each treatment option (e.g., 2A, 2B, etc.) is a single action. The Examiner alleges that since options 2A and 2B are "recommended" and 2C and 4A are alternative treatments, there is a "hierarchy." However, McIlroy does not disclose or suggest that option 2A or 2B are actions for a first step and that options 2C or 4A are actions for a second step that sequentially follows the first step. Furthermore, all four treatment options are options for the <u>same</u> step because they are presented <u>at the same time</u>. Actions for a subsequent step cannot be determined without knowing what action was taken in the previous step, given that the actions are organized in a hierarchy. Thus, McIlroy does not disclose Applicants' "hierarchised sequences of alternative actions," as recited in claim 1.

In addition, McIlroy also does not disclose or suggest "sequentially steering a process of interrelated actions from said at least one recorded catalogue of recommended actions." The Examiner alleges that McIlroy teaches this feature since McIlroy's system "presents each guideline in a questioning logic sequence where the response to each question drives to the next question or to the appropriate treatment options" (Office Action, page 5, citing McIlroy, col. 5, lines 33-35). However, as discussed above, Applicants distinguish an <u>action</u>, which is an act to be performed, from a <u>question</u>, which is a request for information. Applicants claim steering "a process of interrelated <u>actions</u>." The Examiner, on the other hand, refers to a series of interrelated <u>questions</u>. Since Applicants distinguish between actions and requests for information, McIlroy's question-and-answer methodology cannot disclose or suggest Applicants' steering of "a process of interrelated actions." Furthermore, McIlroy cannot disclose or suggest this feature because McIlroy does not disclose or suggest a procedure with a plurality of sequential steps (*i.e.*, actions), so there would be no opportunity in McIlroy to steer a user from one action to another.

Claims 2-3 and 5-10 depend from and incorporate all the features of claim 1. Accordingly, claims 2-3 and 5-10 are allowable for at least the same reasons as set forth above for claim 1.

For at least the reasons set forth above, Applicants respectfully request reconsideration and allowance of claims 1-3 and 5-10.

III. New Claims 18-29

New claims 18-29 claim the same invention as claim 1. Independent claim 24 is a system claim that parallels independent method claim 18. Dependent claims 25-29 depend from claim 24 and are parallel to dependent claims 19-23 which depend from claim 18.

Applicants respectfully submit that McIlroy does not disclose or suggest at least the following features of independent claims 18 and 24: "at least one procedure to be used as a guideline, the procedure including a plurality of sequential procedure steps, each procedure step comprising a non-empty set of alternative actions, wherein each action specifies an act to be performed" and "a record for each application of the procedure as a guideline, the record storing information about the application of the procedure as a guideline."

As discussed above with respect to claim 1, McIlroy does not disclose or suggest a "procedure including a plurality of sequential procedure steps." Thus, McIlroy cannot disclose or suggest the features of Applicants' claim that manage the process of applying a procedure as a guideline. For example, McIlroy does not disclose or suggest "a record for each application of the procedure as a guideline, the record storing information about the application of the procedure as a guideline" for a procedure with a plurality of sequential procedure steps since McIlroy does not disclose or suggest a procedure including a plurality of sequential procedure steps. The record of the application of the procedure as a guideline "includes information about the procedure steps recommended, the evaluation forms generated, and the information stored [from filling out the evaluation forms]." Applicants' record of the application of a multi-step procedure allows features such as "determining the next recommended action using the information in the record and the set of rules for how to determine the next recommended action." McIlroy does not disclose or suggest the ability of determining the next recommended

action in a procedure with a plurality of sequential procedure steps because McIlroy does not disclose or suggest a record for the application of such a procedure. Instead, McIlroy merely teaches applying a decision tree to obtain a single set of recommendations.

Thus, McIlroy does not disclose or suggest each and every feature of independent claims 18 and 24. Since claims 19-23 depend from and incorporate all the features of claim 18, claims 19-23 are allowable for at least the same reasons as set forth above for claim 18. Since claims 25-29 depend from and incorporate all the features of claim 18, claims 25-29 are allowable for at least the same reasons as set forth above for claim 24.

For at least the reasons set forth above, Applicants respectfully request allowance of claims 18-29.

CONCLUSION

In view of the above amendments and arguments, Applicants believe the pending application is in condition for allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants' attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. SCQ-001USRCE2. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

Dated: July 11, 2008   Respectfully submitted,

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